

Assembly Bill No. 470

Passed the Assembly July 9, 2007

Chief Clerk of the Assembly

Passed the Senate June 28, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 313 and 21280 of, to amend and repeal Section 467 of, to add Section 21281.5 to, and to repeal Section 21283 of, the Vehicle Code, relating to electric personal assistive mobility devices.

LEGISLATIVE COUNSEL'S DIGEST

AB 470, DeSaulnier. Electric personal assistive mobility devices.

(1) Existing law defines “pedestrian” for purposes of the Vehicle Code to include a person who is using an electric personal assistive mobility device (EPAMD), as that term is defined. The definition of EPAMD, among other things, requires the maximum speed of the EPAMD to be less than 12.5 miles per hour. Existing law imposes safety specifications on EPAMDs, and authorizes a city, county, or city and county, to ensure the safety of pedestrians, to regulate the time, place, and manner of the operation of EPAMDs and their use as a pedestrian for purposes of the Vehicle Code. A violation of those provisions is an infraction. State agencies are also authorized to limit or prohibit the time, place, and manner of EPAMD use on state property. Existing law repeals these provisions on January 1, 2008, unless a later enacted statute deletes or extends that date.

This bill would delete the repeal of those provisions, thereby extending them indefinitely. The bill also would change the definition of EPAMD to require the maximum speed of an EPAMD to be no more than 12.5 miles per hour, rather than less than 12.5 miles per hour, and to require an EPAMD to be no greater than 20 inches deep and 25 inches wide.

The bill would impose additional safety requirements on the operation of an EPAMD. The bill would require a person operating an EPAMD on specified surfaces to yield the right-of-way to all pedestrians on foot.

The bill would impose a state-mandated local program by extending indefinitely the existing provisions, the violation of which constitutes an infraction, and because a violation of the new provisions would be an infraction.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 313 of the Vehicle Code is amended to read:

313. The term “electric personal assistive mobility device” or “EPAMD” means a self-balancing, nontandem two-wheeled device, that is not greater than 20 inches deep and 25 inches wide and can turn in place, designed to transport only one person, with an electric propulsion system averaging less than 750 watts (1 horsepower), the maximum speed of which, when powered solely by a propulsion system on a paved level surface, is no more than 12.5 miles per hour.

SEC. 2. Section 467 of the Vehicle Code, as amended by Section 3 of Chapter 404 of the Statutes of 2004, is amended to read:

467. (a) A “pedestrian” is a person who is afoot or who is using any of the following:

(1) A means of conveyance propelled by human power other than a bicycle.

(2) An electric personal assistive mobility device.

(b) “Pedestrian” includes a person who is operating a self-propelled wheelchair, motorized tricycle, or motorized quadricycle and, by reason of physical disability, is otherwise unable to move about as a pedestrian, as specified in subdivision (a).

SEC. 3. Section 467 of the Vehicle Code, as amended by Section 4 of Chapter 404 of the Statutes of 2004, is repealed.

SEC. 4. Section 21280 of the Vehicle Code is amended to read:

21280. (a) The Legislature finds and declares all of the following:

(1) This state has severe traffic congestion and air pollution problems, particularly in its cities, and finding ways to reduce these problems is of paramount importance.

(2) Reducing the millions of single passenger automobile trips of five miles or less that Californians take each year will significantly reduce the pollution caused by fuel emissions and aggravated by automobile congestion.

(3) Electric personal assistive mobility devices that meet the definition in Section 313 operate solely on electricity and employ advances in technology to safely integrate the user in pedestrian transportation.

(4) Electric personal assistive mobility devices enable California businesses, public officials, and individuals to travel farther and carry more without the use of traditional vehicles, thereby promoting gains in productivity, minimizing environmental impacts, and facilitating better use of public ways.

(b) The Legislature is adding this article as part of its program to promote the use of no-emission transportation.

SEC. 5. Section 21281.5 is added to the Vehicle Code, to read:

21281.5. (a) A person shall not operate an EPAMD on a sidewalk, bike path, pathway, trail, bike lane, street, road, or highway at a speed greater than is reasonable and prudent having due regard for weather, visibility, pedestrians, and other conveyance traffic on, and the surface, width, and condition of, the sidewalk, bike path, pathway, trail, bike lane, street, road, or highway.

(b) A person shall not operate an EPAMD at a speed that endangers the safety of persons or property.

(c) A person shall not operate an EPAMD on a sidewalk, bike path, pathway, trail, bike lane, street, road, or highway with willful or wanton disregard for the safety of persons or property.

(d) A person operating an EPAMD on a sidewalk, bike path, pathway, trail, bike lane, street, road, or highway shall yield the right-of-way to all pedestrians on foot, including persons with disabilities using assistive devices and service animals that are close enough to constitute a hazard.

SEC. 6. Section 21283 of the Vehicle Code is repealed.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of

the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2007

Governor